

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

STATE FARM MUTUAL AUTOMOBILE )		
INSURANCE COMPANY )		
as subrogee of Patsy Dixon )		
)		
)		CIVIL ACTION
Plaintiff )		
)		FILE NO.
VS. )		
)		
UNITED STATES OF AMERICA )		
)		
Defendant )		
_____ )		

**COMPLAINT FOR DAMAGES**

**NOW COMES** State Farm Mutual Automobile Insurance Company as subrogee of Patsy Dixon to make and file this Complaint against The United States of America and show this Honorable Court the following:

**PARTIES, JURISDICTION AND VENUE**

1.

The Plaintiff is State Farm Mutual Automobile Insurance Company, a corporation registered with the Georgia Secretary of State to do business in the state of Georgia, who brings this claim for damages arising out of a motor vehicle collision which occurred on July 16, 2022.

2.

The Defendant is The United States of America. This is a Federal Tort Claim Act claim brought pursuant to 28 U.S.C. 2671 et. seq. The United States of America may be served with process upon the U.S. Attorney for the Northern District of Georgia, at 600 U.S. Courthouse, 75 Spring Street, N.W., Atlanta, Georgia 30303, and as otherwise provided by applicable law.

3.

This is a claim for damages involving a federal department, to wit: The United States Department of the Navy (hereinafter “USN”).

4.

Prior to bringing this suit, this claim was brought before USN with a settlement demand for money damages in a sum certain. The Federal Tort Claim Act claim referenced above was submitted to USN on or about January 4, 2023.

5.

This claim arises out of a motor vehicle collision between a government vehicle (2020 Chevrolet Malibu sedan) being driven by USN employee Travis Stuart Atkinson, who was acting in the course and scope of his employment, and Patsy Dixon (Plaintiff's insured driver). Said collision occurred on exit ramp 90 of Interstate 95 (SB) in Richmond Hill, Bryan County, Georgia, on July 16, 2022.

6.

USN has failed to pay said claim and more than six (6) months have elapsed since the filing of this claim.

### **FACTS**

7.

On July 16, 2022, Travis Stuart Atkinson (hereinafter "Atkinson") was employed by USN and was acting within the scope of his employment.

8.

On the aforementioned date, Atkinson was operating a USN vehicle (sedan) behind Plaintiff's insured driver, Patsy Dixon. Atkinson struck the rear of Plaintiff's insured vehicle. Atkinson's negligence was negligence per se in violation of the Uniform Rules of the Road of the State of Georgia, specifically O.C.G.A. 40-6-49 (following too closely).

9.

As a direct and proximate cause of the negligence of USN, acting by and through its agent employee Travis Stuart Atkinson, a vehicle owned by Patsy Dixon (Plaintiff's insured) was damaged.

10.

Plaintiff brings this action to recover damages in the amount of \$2,594.10. Plaintiff State Farm Mutual Automobile Insurance Company has an equitable right of subrogation in the claim against Defendant as a result of making payment to or on behalf of vehicle owner Patsy Dixon under a policy of insurance. Patsy Dixon paid her deductible in the amount of \$250.

WHEREFORE, Plaintiff respectfully prays that Defendant be served with process as required by law, that Plaintiff recover verdict and judgment against the Defendant in an amount as the Court shall determine to be appropriate based upon the evidence submitted at the time of trial and for such other and further relief as this Court deems necessary and proper.

Respectfully submitted,

This 5 of July, 2023.

Ronald W. Parnell, P.C.



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